

VENABLE LLP
Rockefeller Center, 24th Floor
1270 Avenue of the Americas
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
Attn: Carollynn H.G. Callari
Michael Schatzow

- and -

750 East Pratt Street, Suite 900
Baltimore, Maryland 21202
Telephone: (410) 244-7400
Facsimile: (410) 244-7742
Attn: Gregory A. Cross (pro hac vice)

Counsel for Plaintiffs, the Extended Stay
Litigation Trust and Finbarr O'Connor, as Successor
Trustee of the Extended Stay Litigation Trust

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC., *et al.*,

Debtors.

FINBARR O'CONNOR, as Successor Trustee for
and on behalf of the EXTENDED STAY
LITIGATION TRUST, and

THE EXTENDED STAY LITIGATION TRUST,

Plaintiffs,

v.

The Blackstone Group, L.P., *et al.*,

Defendants.

Chapter 11
Case No. 09-13764 (JMP)
(Jointly Administered)

Adv. Pro. Nos. 11-02254 (JMP), 11-
02255 (JMP), and 11-02398 (JMP)

**NOTICE OF DISMISSAL
WITH PREJUDICE WITH
RESPECT TO CERTAIN
OF THE DEFENDANTS**

PLEASE TAKE NOTICE THAT, pursuant to the Court's Order Approving Settlement Agreements With Citigroup, Blackstone Defendants and Bank of America Defendants, dated July 19, 2013, the terms of the applicable settlement agreement, and Rule 7041 of the Federal Rules of Bankruptcy Procedure, all claims and counter-claims asserted in these adversary proceedings (Adv. Proc. Nos. 11-02254 (JMP), 11-02255 (JMP), and 11-02398 (JMP)) solely with respect to the parties identified on **Schedules A and B** annexed hereto, hereby are dismissed with prejudice and without costs to any party against any other. This dismissal shall have no effect on the above-captioned Defendants who are not listed on Schedules A and B annexed hereto.

Dated: July 29, 2013

VENABLE LLP

By: /s/ Gregory A. Cross
Gregory A. Cross

Gregory A. Cross
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, Maryland 21202
Tel: 410-244-7400

- and -

Carolynn H.G. Callari
Michael Schatzow
Venable LLP
Rockefeller Center, 24th Floor
1270 Avenue of the Americas
New York, New York 10020
Tel: 212-307-5500

*Counsel for Plaintiffs, the Extended Stay
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Schedule A

Blackstone Defendants

- The Blackstone Group, L.P.
- Blackstone Holdings I L.P.
- Blackstone Holdings II L.P.
- Blackstone Holdings III L.P.
- Blackstone Holdings IV L.P.
- Blackstone Holdings V L.P.
- Blackstone Holdings I/II GP, Inc.
- Blackstone Holdings III GP L.L.C.
- Blackstone Holdings IV GP L.P.
- Blackstone Holdings V GP L.P.
- Blackstone Real Estate Partners IV L.P.
- Blackstone Capital Partners IV L.P.
- BHAC IV, LLC
- BRE/HV Holdings LLC
- BRE/ESH Holdings, LLC
- Blackstone Hospitality Acquisitions, LLC
- Prime Hospitality, LLC
- Jonathan D. Gray
- William Stein
- Michael Chae
- Robert L. Friedman
- Gary Sumers
- Dennis J. McDonagh
- Alan Miyasaki

Schedule B

Bank of America Defendants

- Bank of America, N.A.
- Merrill Lynch, Pierce, Fenner & Smith Incorporated, as successor by merger to Banc of America Securities LLC